

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

APRIL LOONEY,

PLAINTIFF,

CIVIL ACTION NO.

V.

**THE CITY OF SYLACAUGA,
A MUNICIPAL CORPORATION,**

DEFENDANT.

JURY DEMAND REQUESTED

COMPLAINT

I. JURISDICTION

1. The jurisdiction of this Court is invoked pursuant to the Acts of Congress known as 28 U.S.C. §§ 1331, 1343(4), 2201 and 2202. This suit is authorized and instituted pursuant to 42 U.S.C. §2000e, Title VII of the Civil Rights Act of 1964, as amended (Title VII). the jurisdiction of this Court is invoked to secure protection of and redress deprivation of rights secured by Title VII.

2. Plaintiff timely filed her charge of gender discrimination with the Equal Employment Opportunity Commission (EEOC) within 180 days of the last discriminatory act ("Exhibit A"). Plaintiff further filed her lawsuit within ninety (90) days after receipt of her right-to-sue letter issued by the EEOC ("Exhibit B").

II. PARTIES

3. Plaintiff, April Looney, hereinafter "Plaintiff," is a citizen of the United States, and a resident of Talladega County, Alabama. Plaintiff was formerly employed by the Defendant.

4. Defendant, The City of Sylacauga, a Municipal Corporation, hereinafter "Defendant," is an entity subject to suit under Title VII. Defendant employs more than 15 persons.

III. STATEMENT OF THE FACTS

5. Plaintiff applied for employment with Defendant as a firefighter with the Sylacauga Fire Department on September 9, 2004.

6. Plaintiff answered an advertisement in the local newspaper, filled out an application and then responded to a notice of examination.

7. On November 1, 2004, Plaintiff sat for a general firefighter's exam, along with applicants, Andy Osborne (m) and Steve Sherbert (m). All were applying for the position of firefighter with Defendant. Plaintiff was the only female sitting for the examination. A passing test score results in an interview with the Civil Service Board.

8. Plaintiff passed the test and interviewed with the Civil Service Board on November 24, 2004. The Board members present were Alvin Kidd and Carol Bates. Upon information and belief the Board sent the names of Plaintiff, Osborne and Sherbert

Sherbert to Defendant's Fire Chief, Thomas E. Abrams, for interview.

9. Plaintiff previously applied for a position with Defendant as firefighter for the Sylacauga Fire Department in 2003. At that time she passed the examination and interviewed with the Civil Service Board. Her name was presented to Abrams, and she was interviewed. She was not selected in 2003, although less qualified male applicants were selected.

10. Plaintiff AGAIN interviewed with Abrams on December 27, 2004. Abrams informed Plaintiff he would make his hiring decision at a later time. Abrams hired Sherbert on December 27, 2004 and Osborne on May 17, 2005. Plaintiff was not selected for employment with Defendant by Abrams.

11. At the time of her application and interview, Plaintiff was a certified firefighter and a graduate of the Alabama Fire College. She was physically certified under the Candidate Physical Ability Test (CPAT), as required by state law. She had many years experience in firefighting. She was ready, willing and able to begin work immediately at the time she applied.

12. Neither Sherbert nor Osborne had attended firefighter's school, passed the CPAT, and had little or no experience in firefighting when selected for employment. Both were sent to the Alabama Fire College at the Defendant's expense, which would not have been necessary had Plaintiff been hired.

13. Abrams informed members of the fire department that he would never hire a female firefighter.

14. Prior to hiring the two male applicants, Abrams conducted a background investigation into all three candidates. Plaintiff's background investigation did not reveal any basis for failing to hire her as the candidate with superior qualifications. Despite this, Abrams claimed that he had seen Plaintiff drinking on the job while employed as a firefighter in a neighboring municipality. Such claim was completely false and fabricated, to be used as a pretextual reason to refuse to hire the most qualified candidate for the job, Plaintiff.

15. Defendant failed and refused to hire Plaintiff as a firefighter despite her superior qualifications to the male employees who were hired by Defendant, because of her gender, female, in violation of Title VII. Such conduct by Defendant was willfully in violation of said statute.

16. As a result of the willful violation of Title VII by Defendant, Plaintiff has been damaged, suffering loss of income, benefits and was caused to suffer mental anguish.

V. PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that this Court assume jurisdiction of this action and after trial:

A. Issue a declaratory judgment that the employment policies, practices, procedures, conditions and customs of the defendant are violative of the rights of the Plaintiff as secured by Title VII.

B. Grant Plaintiff a permanent injunction enjoining the defendant, its agents, successors, employees, attorneys and those acting in concert with the defendant and at the defendants' request from continuing to violate Title VII.

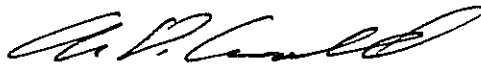
C. Enter an Order requiring Defendants to make Plaintiff whole by awarding her front-pay, back pay (plus interest), compensatory, punitive damages and/or nominal damages, injunctive and declaratory relief, and benefits.

Plaintiff further prays for such other relief and benefits as the cause of justice may require, including, but not limited to, an award of costs, attorneys' fees and expenses.

Respectfully submitted,



DAVID R. ARENDALL



ALLEN D. ARNOLD
Counsel for Plaintiff

OF COUNSEL:

ARENDALL & ASSOCIATES
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Birmingham, Alabama 35203
(205) 252-1550 - Office

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PLAINTIFF REQUESTS TRIAL BY STRUCK JURY

A handwritten signature in black ink, appearing to be "S. J. Carter", written over a horizontal line.

OF COUNSEL

DEFENDANT'S ADDRESS:

City of Sylacauga, A Municipal Corporation
c/o Any Officer or Agent
301 North Broadway Avenue
Sylacauga, AL 35150